



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

August 24, 2004

REGISTERED MAIL
RB 252 878 338 US

Port of Skamania
Attn: Mr. John McSherry
PO Box 1099
Stevenson, WA 98648

RE: Water Quality Certification Number 1560 for Corps Public Notice 200200713 to replace an existing boat ramp, install boat access floats, and improvement to shoreline habitat at Cascade Avenue in Stevenson, in Skamania County, Washington

Dear Mr. McSherry:

The public notice issued by U.S. Army Corps of Engineers on January 15, 2004 for proposed work in and near the Columbia River, Skamania County has been reviewed. On behalf of the State of Washington, we certify that the work proposed in the application for Department of Army permit, and Corps public notice complies with applicable provisions of Sections 301, 302, 303, 306 and 307 of the Clean Water Act, as amended, and other appropriate requirements of State law. This letter also serves as the State response to the Corps of Engineers.

- This certification concurrence is subject to the conditions contained in the enclosed Order.

If you have any questions, please contact Jo Sohneronne at (360) 407-6926. Written comments can be sent to her at the Department of Ecology, SWRO, PO Box 47775, Olympia, WA 98504-7775. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,



Perry J Land
Unit Supervisor
Shorelands and Environmental Assistance Program
Southwest Regional Office

PL:JS:dn
Enclosure

cc: US Army Corps of Engineers Portland District
Carl Dugger, WSDFW Region 5
Friends of the Columbia Gorge

IN THE MATTER OF GRANTING) ORDER # 1560
A WATER QUALITY) Corps No. 200200713
CERTIFICATION TO) Replace and expand boat ramp, install floating docks,
Port of Skamania) and improve shoreline habitat at Cascade Boat
in accordance with 33 U.S.C. 1341) **Launch, on the Columbia River in Stevenson,**
FWPCA § 401, RCW 90.48.120,) **Skamania County,**
RCW 90.48.260 and WAC 173-201A)

TO: Port of Skamania County
PO Box 1099
Stevenson, WA 98648

ATTN: John McSherry

On January 15, 2004, a public notice for a proposed water quality certification from the State of Washington was distributed for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401). The proposed project involves removing the existing 12 x 100 foot boat ramp and replacing it with a 26.5' by 170' ramp. The portion below ordinary high water will be constructed of precast concrete and the portion above will be cast-in place. A 6' wide boarding float and 6' by 100' transient float will be located upstream of the ramp. Six 16-inch diameter steel piles will support the floats. Existing riprap in the area will be covered with topsoil and round river rock and planted with native vegetation. Total proposed fill within waters of the US would be approximately 0.28 acre. The project is located at Columbia River mile 150.5 in Section 6, Township 2 North, Range 7 East, Stevenson, Skamania County, Washington.

AUTHORITIES:

In exercising authority under 33 U.S.C. 1341, 16 U.S.C. 1456, RCW 90.48.120, and RCW 90.48.260, Ecology has investigated this application pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. Sections 1311, 1312, 1313, 1316, and 1317 (FWPCA Sections 301, 302, 303, 306, and 307);
2. Conformance with the state water quality standards as provided for in Chapter 173-201A WAC authorized by 33 U.S.C. 1313 and by Chapter 90.48 RCW, and with other appropriate requirements of state law; and,
3. Conformance with the provision of using all known, available, and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.

WATER QUALITY CERTIFICATION CONDITIONS:

In view of the foregoing and in accordance with 33 U.S.C. 1341, RCW 90.48.120, RCW 90.48.260 and Chapter 173-201A WAC, certification is granted to Port of Skamania (Port) subject to the following conditions:

A. No Further Impairment of Existing Water Quality

- A1. The Columbia River (WRIA 29, Segment WA-CR-1020) is a Class A water of the state. Certification of this proposal does not authorize the Port to exceed applicable state water quality standards (173-201A WAC) or sediment quality standards (Chapter 173-204 WAC). Water quality criteria contained in WAC 173-201A-030(2) and WAC 173-201A-040 shall apply to this project. Furthermore, nothing in this certification shall absolve the Port from liability for contamination and any subsequent cleanup of surface waters or sediments occurring as a result of project construction or operations.
- A2. Per WAC 173-201A-110(3), a temporary turbidity mixing zone is allowed immediately after necessary in-water construction activities that result in the disturbance of in-place sediments. Under no circumstance shall the following standard be exceeded 300 feet downstream of the activity causing the turbidity:
- (1) 5 NTU over background when the background turbidity is 50 NTU or less; or,
 - (2) more than a 10 percent increase in turbidity when the background is more than 50 NTU.

B. Timing:

- B1. This Order is valid until all compliance requirements in this document have been met.
- B2. Work below the ordinary high water mark shall only occur between November 1 and February 28 of any given year.

C. Notification Conditions:

- C1. The Port shall notify Ecology's Southwest Regional Office Federal Permit Coordinator seven (7) days prior to the start of work below the ordinary high water mark of the Columbia River.
- C2. The Port shall notify Ecology's Southwest Regional Office Federal Permit Coordinator within fourteen (14) days after completion of construction.
- C3. The Port shall ensure that all appropriate project engineers and contractors at the project site shall have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Applicant shall provide Ecology a signed statement (see Attachment #A for an example) from each project engineer and contractor that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins at the project or mitigation sites.

NOTE: These notifications shall include the applicant's name, project name, project location, the number of this Order, contact and contact's phone number.

D. Monitoring Conditions:

- D1. During and immediately after project construction, the Port or the contractor shall visibly monitor for turbidity 300 feet downstream from the construction activity. If water quality exceedances are observed outside the temporary mixing zone, work shall cease immediately and the Port or the contractor shall contact Ecology's Southwest Regional Office Federal Permit Coordinator.
- D2. Monitoring of the habitat enhancement area shall be done during the growing season of the 1st, 2nd, 3rd, 5th, 7th, and 10th years after construction, or until the enhancement area has sustained at least 90% cover native scrub-shrub or trees for three consecutive years, whichever occurs first. Monitoring reports shall be submitted to the Federal Permit Coordinator, Department of Ecology SWRO, PO Box 47775, Olympia, WA 98504-7775 within 60 days of completion of monitoring activity.
- D3. If the results of the monitoring show that the water quality standards or project performance standards are not being met additional monitoring and mitigation may be required.

E. Construction Conditions:

- E1. Work in or near waters of the state shall be done so that it minimizes turbidity, erosion, and other water quality impacts. Construction stormwater, sediment, and erosion control best management practices suitable to prevent exceedances of state water quality standards (e.g., silt curtains, silt fences, hay, etc.), shall be in place before starting clearing, filling, and grading work at the impact sites.
- E2. During clearing and filling at the various project sites, the Port shall take all necessary measures to minimize the alteration or disturbance of existing wetland and upland vegetation.
- E3. No existing shoreline material (i.e., logs, rocks, gravel cobbles, woody debris or other bed material) shall be relocated or used as bulkhead armor, as fill, or for any other purpose except that bed material located exactly where new pilings and footings are to be placed may be relocated.
- E4. Uncured concrete and concrete by-products shall be completely sealed off from the ordinary high water mark of the Columbia River, totally contained using sealed forms or other leak-proof containment systems, and not allowed to contaminate or enter the Columbia River.
- E5. All construction debris shall be properly disposed of upland so that it cannot enter a waterway or wetland or cause water quality degradation to state waters.
- E6. Wash water containing oils, grease, or other hazardous material resulting from wash down of equipment or working areas shall be contained for proper disposal, and shall not be discharged into state waters or storm drains.
- E7. Any wooden dock components, piling, pier support, and other materials composed of pressure treated wood shall be professionally and commercially produced and

chemically fixed in accordance with all current best management practices as contained in the Western Wood Preservers Institute's latest edition of "The Best Management Practices for the Use of Treated Wood in Aquatic Environments."

- E8. No wood, metal, or concrete preservatives, paints, sealers, glues, epoxies, chemicals, or other substances harmful or toxic to fish or shell fish shall be applied to the pier system once it has been placed within or over the ordinary high water mark of the Columbia River.
- E9. The Port shall ensure that fill used for the proposed project does not contain toxic materials in toxic amounts.

F. Habitat Enhancement Conditions:

- F1. At least thirty (30) days before undertaking any habitat enhancement measures, or placing any topsoil or river cobble below the ordinary high water mark of the Columbia River upstream of the launch ramp and floats, the Port shall submit to Ecology for review and approval:
 - F1a. A detailed description of the activities proposed including erosion control and soil stabilization measures both during construction and after completion.
 - F1b. A planting plan for the enhancement area that includes the proposed quantity, locations, and species of plants, monitoring and contingency provisions and a reporting schedule.
- F2. Until monitoring reports show at least 90% cover of native scrub-shrub or tree species for three (3) consecutive years, the enhancement area shall be fenced on the upland side to prevent the plants from being trampled.
- F3. An initial as-built report shall be submitted to Ecology within 60 days of installation of the habitat enhancement measures.

G. Emergency/Contingency Measures:

- G1. In the event the Port is unable to comply with any of the conditions in this Order due to any cause, or distressed or dying fish are observed in the vicinity of the project, the Port shall:
 - G1a. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the violation and correct the problem.
 - G1b. Notify Ecology of the failure to comply. Spill events shall be reported immediately to Ecology's 24-hour spill response team at (360) 407-6300, and within 24 hours to Ecology's Southwest Regional Office Permit Coordinator at (360) 407-6926.
 - G1c. Submit a written report to Ecology within five days that describes the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.

Compliance with this condition does not relieve the Port from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.

- G2. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters, including wetlands.
- G3. Toxic conditions resulting in distressed or dying fish (including dissolved oxygen levels below 5.0 mg/L) are not allowed. If these conditions occur, construction shall cease immediately and the Port of Skamania or the contractor shall contact Ecology's Southwest Regional Spill Response Office at (360) 407-6300.

H. General Conditions:

- H1. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state or related aquatic resources, **except** as specifically provided for in conditions of this Order.
- H2. This certification does not exempt the Port from, and is conditioned upon compliance with, other statutes and codes administered by federal, state, and local agencies.
- H3. The Port shall construct and operate the project in a manner consistent with the project description contained in the JARPA and Public Notice for certification, or as otherwise approved by Ecology.
- H4. The Port shall reapply with an updated application if the information contained in the Public Notice is voided by subsequent submittals to the federal agency. Any future action at this project location, emergency or otherwise, that is not defined in the public notice, or has not been approved by Ecology, is not authorized by this Order. All future actions shall be coordinated with Ecology for approval prior to implementation of such action.
- H5. The Port shall provide access to the project site upon request by Ecology personnel for site inspections, monitoring, necessary data collection, or to ensure that conditions of this Order are being met.
- H6. Copies of this Order and all related permits, approvals, and documents shall be kept on the project site and readily available for reference by the project managers, construction managers and foremen, other employees and contractors of the Port, and state agency personnel.
- H7. Ecology retains continuing jurisdiction to make modifications hereto through supplemental Order, if it appears necessary to further protect the public interest.
- H8. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are

identified (e.g., violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect the public interest.

- H9. Liability: Any person who fails to comply with any provision of this Order shall be liable for a penalty of up to ten thousand dollars (\$10,000) per violation for each day of continuing noncompliance.

Appeal Process:

Any person aggrieved by this Order may obtain review thereof by appeal. Port of Skamania can appeal up to 30 days after receipt of the permit, and all others can appeal up to 30 days from the postmarked date of the permit. The appeal must be sent to the Washington Pollution Control Hearings Board, P.O. Box 40903, Olympia, WA 98504-0903. Concurrently, a copy of the appeal must be sent to the Department of Ecology, Shorelands and Environmental Assistance Program, Attn: Loree' Randall, P.O. Box 47600, Olympia, WA 98504-7600. These procedures are consistent with the provisions of Chapter 43.21B RCW and the rules and regulations adopted thereunder.

Dated 8/25/04 at Lacey, Washington



Perry J Lund, Unit Supervisor
Shorelands and Environmental Assistance Program
Department of Ecology – Southwest Regional Office

Attachment # A

Water Quality Certification Statement of Understanding

I, _____, state that, as an agent or contractor for the replacement and expansion of the boat ramp, construction of floating docks, and regrading and restoration of the riverbank immediately upstream of the ramp and docks at the Cascade Boat Launch on the Columbia River for Port of Skamania, I have read and understand the relevant conditions of Washington Department of Ecology Water Quality Certification Order #1560 and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

Signature

Date

Title

Company

Phone Number